IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19495 of 2004

Between:

M.Jhansi Rani, s/o Venkateswara Rao,
r/o Vanukuru Village, Penamaluru Mandal,
Krishna District**.**

..... PETITIONER

A N D

1 The Chief Engineer (RWS), Panchayat Raj

Department, Office of the Chief Engineer, Hyderabad.
2 The Collector, Krishna District, Krishna at Machilipatnam.
3 The Secretary, GramSachivalayam,
Vaniukuru, Penamaluru Mandal, Krishna District.
4 Mr.V.Shadruk, The Sarpanch,
Gram Sachivalayam, Vanukuru Gram Panchayat,
Penamaluru Mandal, Krishna District**.**

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, by declaring that the impugned resolution No.353 dated 4-10-2004 passed by the Gram Panchayat, Vanukuru Village, Penamaluru Mandal of Krishna District as illegal, and arbitrary and unconstitutional and consequently direct the respondents to set-aside the same .

Counsel for the Petitioner: MR.Y.SUBRAHMANYAM

Counsel for the Respondent Nos.: GP FOR PANCHAYAT RAJ & 1 AND 2 RURAL DEV.

Counsel for the Respondents 3 and 4: Mr. D. SRINIVAS

The Court at the admission stage made the following :

O R D E R :

This writ petition is filed to declare the impugned resolution No.353 dated 4-10-2004 passed by the Gram Panchayat, Vanukuru Village, Panamaluru Mandal, Krishna District, as illegal and arbitrary and consequently to direct the respondents to set-aside the same.

The petitioner submits that Venukuru village, is a major Gram Panchayat village with a population of more than 10,000. There are two water tanks in the village, and due to shortage of energy supplies, the water distributed through the said tanks is unsatisfactory, and those residing at the tail end of the village, are getting insufficient water supplies. While so, it is the case of the petitioner that the 4th respondent without considering the feasibility of the water supplies and the technical aspects relating to the water supplies, as directed by the 3rd respondent in his circular instructions, passed a resolution according sanction for fresh water tap connections to private individual houses, which is illegal and arbitrary. Therefore, the petitioner who is having a tap connection and suffering from the shortage of water supplies, has filed this writ petition praying for the reliefs stated supra.

Heard the counsel for the petitioner and the learned Government Pleader for

Panchayat Raj and the learned Standing Counsel for the Gram Panchayat.

The grievance of the petitioner is that as the water supplies made through the tanks in the village are insufficient, it is not proper on the part of the 4th respondent to pass resolution No.353 dated 4-10-2004, according sanction for fresh tap connections to private individuals, and more so when it has been passed without considering the feasibility of the water supplies and the technical aspects relating thereto. On instructions, the learned Government Pleader for Panchayat Raj and the learned Standing Counsel for the Gram Panchayat submit that as on today, the Gram Panchayat is supplying 50 litres per head per day on an average to each individual. The tanks and the water resources admittedly belong to the community. The petitioner, admittedly, is having a tap connection. It is stated that some of the villagers already filed suit before the civil Court for grant of water tap connections. Be that as it may, whether or not to give fresh tap connections to the villagers, is a matter to be considered by the village Gram Panchayat, keeping in view the water resources and the demands from its citizens. The petitioner, who is having a tap connection, cannot be allowed to question the action of the fourth respondent in passing a resolution according fresh tap connections to others, who are no other than the residents of the village, and more so when a duty is cast on the Gram Panchayat to make available the community resources to all its citizens equally.

The writ petition is devoid of merit, and the same is accordingly dismissed.

01-12-2004 ----------

S t p **N.V.RAMANA, J**

To

1 The Chief Engineer (RWS), Panchayat Raj Department,
Office of the Chief Engineer, Hyderabad.
2 The Collector, Krishna District, Krishna at Machilipatnam.
3 The Secretary, GramSachivalayam,
Vaniukuru, Penamaluru Mandal, Krishna District.
4 Mr.V.Shadruk, The Sarpanch,
Gram Sachivalayam, Vanukuru Gram Panchayat,
Penamaluru Mandal, Krishna District

5.2CCs to G.P. for Panchayat Raj & Rural Development

6.2CD copies

THE HON'BLE MR JUSTICE N.V. RAMANA

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Apart from that, some of the villagers already filed Civil Suit No.35131/2004 on the file of Junior Civil Judge, City Civil Court.